

WILLMAR CITY COUNCIL PROCEEDINGS
BOARD ROOM
HEALTH AND HUMAN SERVICES BUILDING
WILLMAR, MINNESOTA

March 18, 2019
7:00 p.m.

The regular meeting of the Willmar City Council was called to order by the Honorable Mayor Marv Calvin. Members present on a roll call were Mayor Marv Calvin, Council Members Rick Fagerlie, Shawn Mueske, Kathy Schwantes, Vicki Davis, Fernando Alvarado, Julie Asmus, Andrew Plowman, and Audrey Nelsen. Present 9, Absent 0.

Also present were City Administrator Ike Holland, Police Chief Jim Felt, Finance Director Steve Okins, Public Works Director Sean Christensen, Park and Recreation Director Rob Baumgarn, Fire Chief Frank Hanson, Human Resource Director Samantha Beckman, City Clerk Judy Thompson and City Attorney Robert Scott.

There were no additions or deletions from the agenda.

Council Member Fagerlie moved to approve the agenda, as presented. Council Member Mueske seconded the motion which carried.

City Clerk Judy Thompson reviewed the consent agenda.

- A. City Council Minutes of March 4, 2019
- B. Willmar Municipal Utilities Board Minutes of March 11, 2019
- C. Park and Recreation Board Minutes of March 6, 2019
- D. Application for Exempt Permit – Willmar Senior High Trap Team
- E. Accounts Payable Report March 1 through March 14, 2019
- F. Willmar Police Commission Minutes of February 4, 2019
- G. Building Report for the Month of February, 2019
- H. Invest in Willmar Board Meeting Summary of February 27, 2019
- I. City Hall Task Force Meeting Summary of February 14, 2019

Council Member Fagerlie offered a motion to approve the Consent Agenda. Council Member Mueske seconded the motion which carried on a roll call vote of Ayes 8, Noes 0.

Steph Deleski, Willmar, addressed the Mayor and Council during the Open Forum. Mr. Deleski spoke in regard to the garbage and snow removal issues downtown.

At 7:05 p.m. Mayor Calvin opened the public hearing for the 2019 Street and Other Improvements. Public Works Director Sean Christensen gave a brief overview of the 2019 Improvements. Mr. Christensen overviewed the funding sources and schedule for payment of assessments.

Michelle Marotzke, 13th Street Southeast, spoke in favor of the proposed 13th Street Southeast project.

Linda Schemmel, 15th Street Southeast, inquired if sidewalks were included in the proposed project and the amount her property would be assessed for.

Public Works Director Sean Christensen stated that sidewalks will not be included in the project and the assessment amounts will not be known until the bids are received.

Letitia Ellinger, 15th Street Southwest, inquired about the cost of overlay.

Public Works Director Sean Christensen stated overlay typically costs about \$40 - \$45 per lineal foot.

Tom Kidrowski, 16th Street Southeast, inquired about the payment options for the improvements.

Won VanZee, 15th Street Southeast, inquired about the definition of lineal feet and how this would affect his property.

Public Works Director Sean Christensen explained the assessment is calculated on the front footage of property, and corner lots would be assessed for the address side of the property.

Marlys Boeder, 13th Street Southeast, inquired about the payment options available for the improvements and the senior citizen deferment option that is available.

City Clerk Judy Thompson explained the payment options and the senior citizen deferment.

Shawn Mueske, 5th Street Southwest, spoke as a member of the public inquiring about the accommodations for accessing properties during the construction.

Public Works Director Sean Christensen stated the contractors will hold pre-construction meetings with the property owners to discuss the accommodations.

There being no others to speak for or against the proposed 2019 Street and Other Projects, Mayor Calvin closed the hearing at 7:20 p.m. and opened it up for discussion by the Council.

Following discussion, **Resolution No. 19-038 Ordering the 2019 Street and Other Improvements and Directing Staff to Prepare Final Plans and Specifications** was introduced by Council Member Fagerlie. Council Member Schwantes seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. Council Member Mueske abstained from voting.

Resolution No. 19-039 Approving Final Plans and Specifications and Authorizing Publication of the Advertisement for Bids for the 2019 Improvement Projects was introduced by Council Member Plowman. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 7, Noes 0. Council Member Mueske abstained from voting.

The Public Works/Public Safety Committee Report of March 6, 2019 was presented to the Mayor and Council by Council Member Plowman. There were five items for consideration.

Item No. 1 Staff brought forth, for information, the Police Department stats for the month of February. This item was for information only.

Item No. 2 Principal Transportation Engineer Aaron Warford brought forth, for discussion, preliminary designs for the realignment of Highway 12 and intersections including proposed roundabouts. Roundabouts versus signalized intersections and traffic counts were discussed. Staff noted the project requires municipal consent for approval. This item was for information only.

Item No. 3 Kandiyohi County Public Works Director Mel Odens brought forth, for information, a construction update on upcoming projects. A roundabout will be constructed at the County Road 5 and 19th Avenue SW intersection. 19th Avenue SW will have a two-inch overlay under traffic from 1st Street to County Road 5. Both projects will require a cooperative agreement with the City to be brought to the Committee at a later date. This item was for information only.

Item No. 4 Bollig Engineer Josh Johnson brought forth, for information, the upcoming lot resurfacing at Kennedy and Jefferson schools this summer. On-street parking issues and striping was discussed by the Committee and staff. It was the recommendation of the committee to approve staff's recommendation.

Following discussion, **Resolution No. 19-040 Approving Parking Restrictions on Rice Avenue, 8th Street and 7th Street SW** was introduced by Council Member Plowman. Council Member Asmus seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 5 Staff brought forth, for information, updates from the Public Works Department on this season's snow events. The Committee discussed seasonal parking restrictions and financing of the Cambridge Drainage project. This item was for information only.

The Public Works/Public Safety Committee Report for March 6, 2019, was approved as presented, and ordered placed on file in the City Clerk's Office upon motion by Council Member Plowman, seconded by Council Member Nelsen, and carried.

The Finance Committee Report for March 7, 2019 was presented to the Mayor and Council by Council Member Nelsen. There were six items for consideration.

Item No. 1 Staff explained to the committee that it is the policy of the City to classify improvements as pending/suspense against properties that are outside City limits. The assessments would remain in this classification or until the property is annexed into the City. The life expectancy of sanitary sewer is forty (40) years and street is twenty (20) years from the date of initial construction. Staff has determined the useful life has been attained on six properties that were classified as pending/suspense special assessments for said improvements made during 1974, 1991, and 1998 in the amount of \$242,442.76. It was staff's recommendation to approve the removal of said assessments as presented.

Following discussion, **Resolution No. 19-041 Approving Removal of Pending/Suspense Special Assessments** was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 2 The committee reviewed staff's recommendation to set the 2019 Willmar Township Fire Contract at \$30,366.27. It was noted that Willmar Township and Dovre Township are under an annual contract with the City for fire protection services. A statewide formula has been used for decades to calculate the cost sharing proposal. After review of the formula and the previous five-year history, it was the recommendation of the committee to approve staff's recommendation.

Following discussion, **Resolution No. 19-042 Approving Willmar Township Fire Agreement in the Amount of \$30,366.27** was introduced by Council Member Nelsen. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 3 Staff presented and explained information pertaining to the replacement of the bleachers at the Willmar Civic Center. The bleachers are the original bleachers from when the Civic Center was built. They are in need of replacement. The bleachers need to be pulled out manually with 3-4 staff and have taken a lot of abuse over the years. Many of the metal brackets are bent, locking latches are broken and flooring is starting to deteriorate. The 2019 Capital Improvement Budget has \$350,000 for Bleacher Replacement and wall repair. The contract amount of \$199,777 will enable the remaining, approximately \$150,000 to add a lift to the bleachers and still be able to repair the wall as well. It was the recommendation of the committee to approve staff's recommendation.

Following discussion, **Resolution 19-043 Authorizing Purchase of Bleachers** was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 4 The committee reviewed a request from staff to re-appropriate the dollars due to the restructuring of the CER that had been budgeted for full-time staff at the Civic Center to cover anticipated part-time wages at the Dorothy Olson Aquatic Center and the Parks and Recreation and Civic Center part-time salaried. It was explained the dollars remained in the full-time salary category due in part to the time of filling the Recreation Director position, the budget process, and the decision to not fill the Arena Manager position. It was the recommendation of the committee to approve staff's recommendation.

Following discussion, **Resolution No. 19-044 Reappropriating Funds for Aquatic Center and Parks and Recreation** was introduced by Council Member Nelsen. Council Member Plowman seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 5 Staff presented a copy of the 2018 Annual Report of Outstanding Indebtedness for review. Staff explained that it is annually required to be filed with the County Auditor. This item was for information only.

Item No. 6 The committee reviewed the future Meeting Schedule. It was discussed that this will be available at all future meetings, so items discussed or requested can be added and the Council will be informed of when certain items are scheduled to be discussed. Items added were March 21st Rice Trust 2018 Activity and Balance Report, Options and timing of uses for Local Option Sales Tax Proceeds, MUC WYE Utility agreement funding, April 4th Industrial Development Budget Amendment, Waste Treatment Rate Study and April 18th, further discussion regarding the City Comprehensive Assessment Policy. This item was for information only.

The Finance Committee Report of March 7, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Nelsen. Council Member Mueske seconded the motion, and carried.

The Labor Relations Committee Report for March 11, 2019, was presented to the Mayor and Council by Council Member Mueske. There were four items for consideration.

Item No. 1 Continuation of discussion regarding increasing the sick leave payout for Department Heads to match other City employee cash out levels. The cash out amount has not been increased in several years and was not increased when union employee cash outs were increased. The committee was recommending increasing the non-union employee's sick leave cash out upon retirement to 840 hours to match the General Unit and LELS unions.

Following discussion, **Resolution No. 19-045 Changing Sick Leave Cash Out For Non-Union Employees For Separation From Employment or Death** was introduced by Council Member Mueske. Council Member Fagerlie seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Item No. 2 Continuation of discussion regarding providing payment to employees above their pay scale maximum. The City's labor attorney advised we do not exceed the pay scale maximum set for a position to avoid setting a precedent for future employees and also so it doesn't adversely affect our Pay Equity reporting. This item was for information only.

Item No. 3 Staff received one request for possible change in the City Administrator's review process that included meeting with Community Leaders in regards to the Administrator. Our labor attorney and the League of MN Cities did not recommend moving forward with that as a formalized process. The league advised that Council Members usually have informal conversations with Community Leaders rather than a formal survey or process conducted by the HR Director. This item was for information only.

Item No. 4 Staff informed Committee of upcoming projects such as the Compensation Study Results for the General and Public Works Unit positions, employee handbook, and non-represented employee policies. This item was for information only.

The Labor Relations Committee Report for March 11, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Mueske, seconded by Council Member Fagerlie, and carried.

The Community Development Committee Report for March 11, 2019, was presented to the Mayor and Council by Council Member Fagerlie. There was one item for consideration.

Item No. 1 Staff explained that J.H., LLC Apartment project is scheduled to break ground in spring 2019 for Phase I. The remaining issue to take care of at the council level is the approval of the tax increment financing development agreement. The city council considered and approved a tax increment financing plan for the J.H., LLC project, which will consist of four market rate apartment buildings with 72 units each on County Road 5. The TIF district was approved for a period of 15 years (18 years if 4 buildings are constructed). It was estimated that the tax increment note to the developer would be issued in the amount of no more than \$1,629,000 (\$7,227,000 if 4 buildings are constructed). Staff explained that the insurance portion of the agreement is being modified. The City Attorney recommends that the agreement include insurance requirements so there is coverage in place in the event of damage, the city should be left with a quality project/structure when granting assistance such as TIF. The city will obtain 5% for reimbursement of staff, legal and administrative fees. The property has been annexed into the city and will be classified as R-5. The 2019 tax capacity was \$1,025, and an estimated annual gross increment of \$108,600 will be generated. It was the recommendation of the committee to enter into the tax increment development agreement between the City of Willmar and J.H. LLC.

Following discussion, Council Member Fagerlie offered a motion to approve the committee's recommendation. Council Member Schwantes seconded the motion.

Council Member Mueske stated he had received calls from citizens asking for the difference between tax increment financing and tax abatement, and suggested that the definition of each be placed on the city's website for public review.

City Attorney Robert Scott stated negotiations on a couple items are still being conducted and his recommendation was to approve the amended agreement and resolution.

Following further discussion, Council Member Fagerlie offered an amended motion to approve the agreement in substantial conformity. Council Member Schwantes seconded the motion which carried.

The original motion and introduction of **Resolution No. 19-046 Tax Increment Development Agreement for J.H. LLC**, then carried on a roll call vote of Ayes 8, Noes 0.

The Community Development Committee Report for March 11, 2019, was approved as presented and ordered placed on file in the City Clerk's Office upon motion by Council Member Fagerlie, seconded by Council Member Schwantes, and carried.

City Clerk Judy Thompson stated the City is required annually to adopt the statutory tort liability limits to the extent of the coverage purchased from the League of Minnesota Cities Insurance Trust. In the past, the Council has chosen to not waive the statutory tort limits, thereby allowing an individual claimant to be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total which all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. Staff was recommending not waiving the statutory limits at this time.

Resolution No. 19-047 Approving Statutory Municipal Liability Coverage Limits was introduced by Council Member Fagerlie. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

City Clerk Judy Thompson presented for consideration the On-Sale, Off-Sale, 3.2% Intoxicating Malt Liquor, and Brewer Off-Sale/Taproom On-Sale Liquor License Renewals. The term of the licenses is from April 25, 2019 to April 25, 2020. It was staff's recommendation to approve and submit to the State of Minnesota. Council Member Fagerlie offered a motion to approve staff's recommendation. Council Member Alvarado seconded the motion, which carried on a roll call vote of Ayes 8, Noes 0.

Mayor Calvin asked Council if they desired to have the annual liquor license renewals and approval placed on the consent agenda or the regular council agenda in the future. Following discussion, it was the consensus of the council to have this remain on the regular council agenda.

Council Member Schwantes offered the following comments: have a good night.

Council Member Asmus offered the following comments: she attended the smelt fry at the Willmar American Legion tonight and thanked them and the Rescue Squad for sponsoring this event.

Council Member Fagerlie offered the following comments: the Community Development Committee will not have a meeting this week; the council received an email from City Administrator Holland about water issues at the airport and asked for clarification.

City Administrator Ike Holland stated there was no damage to report.

Council Member Mueske offered a motion to adjourn the meeting with Council Member Schwantes seconding the motion which carried. The meeting adjourned at 8:19 p.m.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
SECRETARY TO THE COUNCIL

RESOLUTION NO. 19-038

A RESOLUTION ORDERING THE 2019 STREET AND OTHER IMPROVEMENTS AND DIRECTING STAFF TO PREPARE FINAL PLANS AND SPECIFICATIONS.

Motion By: Fagerlie

Second By: Schwantes

WHEREAS, after due Notice of Public Hearing on the construction of street and other improvements for the City of Willmar, Minnesota, hearing on said improvements was duly held and the Council heard all persons desiring to be heard on the matter and fully considered the same.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Willmar, Minnesota, as follows:

1. It is advisable, expedient, and necessary that said improvements as described in the Notice of Hearing thereon be constructed and the same are hereby ordered made.
2. The improvements described in said Notice of Hearing are hereby designated and shall be known as 2019 Street and Other Improvements.
3. The City's Engineer is hereby directed to prepare final plans and specifications for said improvements.
4. The City Council shall let the contract for all or part of the work for said improvements or order all or part of the work done by day labor or otherwise as authorized by Minnesota Statutes, Section 429.041, Subdivision 2, within one year of the date of this resolution ordering said improvements.

Dated this 18th day of March, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-039

A RESOLUTION APPROVING FINAL PLANS AND SPECIFICATIONS AND AUTHORIZING PUBLICATION OF THE ADVERTISEMENT FOR BIDS FOR THE 2019 IMPROVEMENT PROJECTS.

Motion By: Plowman

Second By: Alvarado

WHEREAS the City Engineer of the City of Willmar has presented to the City Council plans and specifications for Project Nos. 1901-A, 1901-B, 1902, 1903-A, 1903-B, 1903-C, 1904 and 1905 for the City of Willmar;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar that:

Final plans and specifications are hereby approved, and publication of the advertisement for bids is herewith authorized. Multiple bid packages will be publicly opened and read with the first opening scheduled for 1:00 p.m. on the 9th day of May, 2019, at the City Office Building, 333 Southwest Sixth Street, Willmar, Minnesota.

Dated this 18th day of March, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-040

**A RESOLUTION APPROVING PARKING RESTRICTIONS ON RICE AVENUE,
8TH STREET AND 7TH STREET SW.**

Motion By: Plowman

Second By: Asmus

RELATING TO PARKING RESTRICTIONS on a portion of Rice Avenue SW, 8th Street SW and 7th Street SW in the City of Willmar, Minnesota.

WHEREAS, portions of these streets are to be utilized for bus, handicapped and visitor parking for Kennedy Elementary School; and

NOW, THEREFORE, BE IT RESOLVED that the "City" shall sign a portion of Rice Avenue and 8th Street SW for bus parking only during school hours, and handicapped and visitor short term parking on a portion of 7th Street SW.

Dated this 18th day of March, 2019

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-041

**RESOLUTION APPROVING REMOVAL OF PENDING/SUSPENSE
SPECIAL ASSESSMENTS**

Motion By: Nelsen

Second By: Plowman

WHEREAS, the City Council of the City of Willmar, Minnesota, did order the installation of certain street, Sanitary Sewer and other improvements made during the years 1974, 1991, and 1998; and

WHEREAS, assessments on certain properties have been pending/suspended per the City of Willmar Comprehensive Assessment Policy; and

WHEREAS, said improvements made in 1974, 1991, and 1998 have now exceeded their useful life of forty years.

NOW, THEREFORE, BE IT RESOLVED by the Willmar City Council that pending/suspended special assessments for improvements made during 1974, 1991, and 1998 as hereinafter designated be written off:

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|----|------------------------------|---------------------|------------|
| 1. | Dennis & James Thorpe | 33-008-0010 | |
| | 3401 15 th Ave NW | 1974 Sanitary Sewer | \$5,053.00 |
| | Willmar, MN 56201 | | |

Section 08, Township 119, Range 35

Northeast Quarter except the following described tracts: A) The South 770 feet of said Northeast Quarter; B) The North 460 feet of West 660 feet of East 1760 feet of North half of Northeast Quarter; C) The East 929.2 feet of North 464.71 feet of South 1234.71 feet of Southeast Quarter of Northeast Quarter.

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|----|--|---------------------|------------|
| 2. | Bruce & J. Kallevig Trust &
Kallman & Sandra Kallevig Trust | 95-909-0090 | |
| | 301 Maple Street | 1974 Sanitary Sewer | \$9,508.95 |
| | Monticello, MN 55362 | | |

Section 09, Township 119, Range 35

South Half of Northwest Quarter, Southwest Quarter of Northeast Quarter, Government Lot 3 except the South 10.5 acres, Government Lots 4 & 5 except the following tracts: (1) except that part of Government

Lot 3 and that part of the Southwest Quarter of Northwest Quarter described as follows: Commencing at the Northwest corner of said Government Lot 3, thence South 355 feet, thence East 325 feet to point of beginning of tract herein described, thence North 850 feet, thence West 325.89 feet to West line of said Northwest Quarter, thence South 1084.35 feet, thence Easterly 525 feet, thence North 213.03 feet, thence West 200.02 feet to point of beginning; (2) except the North 300 feet of Southwest Quarter of Northeast Quarter and the North 300 feet of the Northeast Quarter of Southeast Quarter of Northwest Quarter and East 150 feet of North 300 feet of Northwest Quarter of Southeast Quarter of Northwest Quarter and; (3) except all that part of the Northwest Quarter of Southwest Quarter (aka Government Lot 3) described as follows: Commencing at the Northwest corner of said Northwest Quarter of Southwest Quarter, thence South 355 feet, thence East 325 feet to point of beginning of tract herein described, thence North 125 feet, thence East 125 feet, thence South 125 feet, thence West 125 feet to point of beginning.

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| 3. | Caroline Kreps Living Trust
1425 19 th Ave SW
Willmar, MN 56201 | 1991 Paving, Curb & Gutter | 33-020-0010
\$182,000.41 |
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Section 20, Township 119, Range 35

Northeast Quarter except highway right-of-way and except railroad right-of-way and except the following described tracts: A) Beginning at the Northwest corner of the Northwest Quarter of the Northeast Quarter, thence east 832.50 feet, thence South 528 feet thence West 832.50 feet, thence North 528 feet to point of beginning; B) Commencing at the Northeast corner of said Northeast Quarter thence South 1256.5 feet to point of beginning of tract herein described, thence West 450 feet, thence North 145 feet, thence West 310 feet, thence South 365 feet, thence East 310 feet, thence North 180 feet, thence East 450 feet, thence North 40 feet to point of beginning; and except C) That part of the Southeast Quarter of Northeast Quarter beginning at a point 1903.18 feet South of Northeast corner of said Section 20, thence West 500 feet, thence South 612.50 feet, thence Northeasterly along railroad right-of-way 697.35 feet, thence North 126.40 feet to point of beginning and except D) That part of the Northeast Quarter platted as Parcel 112, City of Willmar Interceptor Sewer Right-of-Way Plat No. 11 and except E) that part platted as Parcels 6 & 8 City of Willmar Western Interceptor Sewer Right-of-Way Plat No. 1

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| 4. | Mark & Liane Yungerberg
1910 30 th Street SW
Willmar, MN 56201 | 1991 Paving, Curb & Gutter | 33-020-0014
\$3,639.74 |
|----|---|----------------------------|---------------------------|

Section 20, Township 119, Range 35

Commencing at the Northeast Corner of Section 20, thence South 1256.5 feet to point of beginning; thence West 450 feet, thence North 145 feet, thence West 310 feet, thence South 365 feet, thence East 310 feet, thence North 180 feet, thence East 450 feet, thence North 40 feet to point of beginning except that part platted as Parcel 7 City of Willmar Western Interceptor Sewer Right-of-Way Plat No. 1

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|----|--|----------------------------|----------------------------|
| 5. | Henry & Alyce Hoting
1521 30 th Street SW
Willmar, MN 56201 | 1991 Paving, Curb & Gutter | 33-021-0170
\$12,103.82 |
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Section 21, Township 119, Range 35

The North 208 feet of West 208 feet of Northwest Quarter of Northwest Quarter

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|----|---|--|--|
| 6. | Wallace V. Janssen Living Trust
707 28 th Ave SW
Willmar, MN 56201 | 1998 Street & Other
1998 Street & Other | 33-027-0060
\$29,182.30
\$954.54 |
|----|---|--|--|

Section 27, Township 119, Range 35

Northwest Quarter of the Northeast Quarter except that part described as follows: Beginning at the Northeast corner of said Northwest Quarter, Northeast Quarter, thence South 655 feet to the North edge of the top bank of lateral 5 of County Ditch 23A, thence West Northwest along edge of ditch to a point 414 feet West of East line of Northwest Quarter of Northeast Quarter, thence North 523 feet to North line of Northwest Quarter, Northeast Quarter, thence East to point of beginning except easements shown as Parcels 101 & 102 City of Willmar Interceptor Sewer Right-of-Way Plat No. 10 (aka Parcel 39)

Dated this 18th day of March 2019.

s/s Marv Calvin
MAYOR

ATTEST:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-042

**A RESOLUTION APPROVING WILLMAR TOWNSHIP FIRE AGREEMENT
IN THE AMOUNT OF \$30,366.27**

Motion By: Nelsen

Second By: Fagerlie

WHEREAS Willmar Township annually contracts with the City of Willmar Fire Department for fire protection services; and

WHEREAS it is the established practice of the City of Willmar to use a statewide formula to calculate the township cost sharing proposal;

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to execute the fire protection agreement with Willmar Township for the period April 1, 2019 through March 31, 2020, in the amount of \$30,366.27.

Dated this 18th day of March 2019.

s/s Marv Calvin
MAYOR

Attest:

s/s Judy Thompson
CITY CLERK

RESOLUTION NO. 19-043

RESOLUTION AUTHORIZING PURCHASE OF BLEACHERS

Motion By: Nelsen

Second By: Plowman

BE IT RESOLVED by the City Council of the City of Willmar to approve an agreement with Seating and Athletic Facility Enterprises, LLC for the Willmar Civic Center – Cardinal Arena bleacher replacement project in the amount of \$199,777.00.

Dated this 18th of March, 2019

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

CITY CLERK

RESOLUTION NO. 19-044

A RESOLUTION REAPPROPRIATING FUNDS FOR AQUATIC CENTER AND PARKS AND RECREATION

Motion By: Nelsen

Second By: Plowman

BE IT RESOLVED by the City Council of the City of Willmar, to re-appropriate \$ 26,000 to the Aquatic Center budget for part time salaries and \$25,000 to the Parks and Recreation Part time salaries from the Civic Center full time staff budget.

BE IT FURTHER RESOLVED by the City Council of the City of Willmar to authorize the Finance Director to amend the Capital Improvement Fund Budget as follows:

Decrease:	2019 Civic Center Full time staff Salaries	\$51,000
Increase:	2019 Aquatic Center Part Time Salaries	\$26,000
	2019 Parks and Recreation Part Time Salaries	\$25,000

Dated this 18th day of March 18, 2019

s/s Marv Calvin

Mayor

Attest:

s/s Judy Thompson

City Clerk

RESOLUTION NO. 19-045

RESOLUTION CHANGING SICK LEAVE CASH OUT FOR NONUNION EMPLOYEES FOR SEPARATION FROM EMPLOYMENT OR DEATH

Motion By: Mueske

Second By: Fagerlie

WHEREAS, the City of Willmar ("City") cashes out a certain percent of eligible employees' accumulated sick leave upon their separation from employment with the City or death based on their years of service with the City;

WHEREAS, the maximum sick leave cash out amount for employees not represented by an exclusive representative ("nonunion employees") is equivalent to 820 sick leave hours, while the amounts for other employee groups represented by an exclusive representative were increased in 2018 to be above such amount; and

WHEREAS, the City desires to specify the sick leave cash out amounts and increase the maximum sick leave cash out amounts for nonunion employees upon separation from employment or death.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Willmar that:

1. A nonunion employee with seven (7) or more years of consecutive service with the City shall be granted, upon termination of employment with the City, the cash value of the accumulated total sick leave; computed at last current salary at time of severance, in accordance with the following schedule: seven (7) years, seventy (70%) percent; eight (8) years, eighty (80%) percent; nine (9) years, ninety (90%) percent; ten (10) years, one hundred (100%) percent. In the event a nonunion employee with at least seven (7) years continuous service dies while so employed, his/her beneficiary(ies) as designated under the employees' PERA plan shall be entitled to an amount equal to the percent of accrued sick leave benefits that said nonunion employee would have earned under the preceding sentence (payable at the time of nonunion employee's death). Termination and/or death benefits shall be limited to 840 hours.
2. This resolution supersedes all current or prior policies addressing the subject matters addressed in this resolution.

Dated this 18th day of March, 2019

s/s Marv Calvin
Mayor

Attest:

s/s Judy Thompson
City Clerk

RESOLUTION NO. 19-046

TAX INCREMENT DEVELOPMENT AGREEMENT FOR J.H. LLC

Motion By: Fagerlie

Second By: Schwantes

BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the Mayor and City Administrator be authorized to enter into a Tax Increment Development Agreement between the City of Willmar and J.H, LLC. in a form in substantial conformity with the draft resolution published in the agenda packet for the meeting at which this resolution was adopted.

Dated this 18th day of March, 2019

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

CITY CLERK

RESOLUTION NO. 19-047

A RESOLUTION APPROVING STATUTORY MUNICIPAL LIABILITY COVERAGE LIMITS

Motion By: Fagerlie

Second By: Alvarado

WHEREAS, cities obtaining liability coverage from the League of Minnesota Cities Insurance Trust must decide whether or not to waive the statutory tort liability limits to the extent of coverage purchased; and

WHEREAS, the City Council has reviewed the various options for monetary limits on municipal tort liability; and

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Willmar, a municipal corporation of the State of Minnesota, that the City does not waive the monetary limits on municipal tort liability established by Minnesota Statutes 466.04.

Dated this 18th day of March, 2019.

s/s Marv Calvin

MAYOR

Attest:

s/s Judy Thompson

CITY CLERK